

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 22-14140-CIV-MARTINEZ-MAYNARD

JOY TYLER and ROBERT LISBY, JR.,

Plaintiffs,

v.

FLORIDA DEPARTMENT OF CHILDREN
AND FAMILIES, *et al.*,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THE MATTER was referred to the Honorable Shaniek M. Maynard, United States Magistrate Judge, for a Report and Recommendation on all dispositive matters. (ECF No. 6.) On August 17, 2022, Magistrate Judge Maynard filed a Report and Recommendation recommending that the Complaint, (ECF No. 1), be DISMISSED without prejudice; Plaintiffs' Motion to Proceed in District Court without Paying Fees or Costs, (ECF No. 3), be DENIED without prejudice; and Plaintiffs' Motion for Referral to Volunteer Attorney Program, (ECF No. 4), be DENIED without prejudice. (*See generally* ECF No. 7.) This Court has reviewed the entire file and record and notes that no objections have been filed, and the time to so object has long-passed. After careful consideration, it is:

ADJUDGED that United States Magistrate Judge Maynard's Report and Recommendation, (ECF No. 7), is AFFIRMED and ADOPTED in its entirety. Accordingly, it is ADJUDGED that:

1. The Complaint, (ECF No. 1), is DISMISSED without prejudice.
2. Plaintiffs have **until and including Thursday, October 20, 2022**, to file an amended complaint that remedies the deficiencies outlined in Magistrate Judge Maynard's Report and Recommendation, (ECF No. 7). To ensure the amended complaint is filed in the correct action, the amended complaint must include the case caption for this action and **Case Number: 22-14140-CIV-MARTINEZ-MAYNARD**.

3. Plaintiffs are cautioned that their failure to timely file an amended complain in this action may be grounds to close and dismiss this action without further notice.

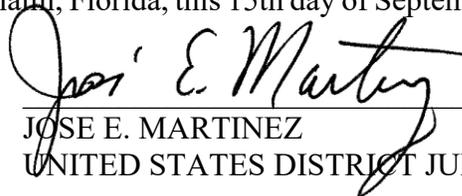
4. Plaintiffs' Motion to Proceed in District Court without Paying Fees or Costs, (ECF No. 3), is DENIED without prejudice.

5. Plaintiffs' Motion for Referral to Volunteer Attorney Program, (ECF No. 4), is DENIED without prejudice.

6. Plaintiff's Motion for Leave to Proceed *in forma pauperis*, (ECF No. 3), is DENIED as MOOT.

7. Pending the filing of the amended complaint, if any, the Clerk is DIRECTED to ADMINISTRATIVELY CLOSE this action for statistical purposes only. This shall not affect the Parties' substantive rights.

DONE AND ORDERED in Chambers at Miami, Florida, this 15th day of September, 2022.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Maynard
All Counsel of Record
Joy Tyler, *pro se*
Robert Lisby, Jr., *pro se*